

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ROY SCOTT,

Plaintiff,

v.

WILL BAILEY,

Defendant.

Case No. C06-5173RBL

ORDER DENYING PLAINTIFF'S
MOTION FOR LEAVE TO
CONDUCT NON STENOGRAPHIC
DEPOSITIONS, ORDERING THE
PLAINTIFF TO COMPLY WITH THE
COURTS ORDERS TO FILE AN
AMENDED COMPLAINT,
DIRECTING THE CLERK TO
REMOVE ALL DEFENDANTS
EXCEPT WILL BAILEY FROM THIS
ACTION AND STAYING THE
ACTION

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4.

On August 22nd, 2006 the court entered a Report and Recommendation that the complaint be dismissed but that plaintiff be given leave to amend. The amended complaint was not to contain any

1 new defendants or causes of action, and amendment was allowed solely to permit plaintiff to cure
2 defects in the original complaint (Dkt. # 39). On August 31st, 2006 plaintiff filed a motion to add a
3 party (Dkt. # 41). On September 8th, 2006 the District court Judge adopted the Report and
4 Recommendation and gave plaintiff until October 8th, 2006 to file an amended complaint. The
5 amended complaint was to contain no new defendants or causes of action (Dkt. # 44).

6 On October 17th, 2006 plaintiff filed an amended complaint that names three new defendants,
7 Freed Swenaon, Jim Carter, and Donna Waters (Dkt. # 53). This attempt at amendment does not
8 comply with either the Report and Recommendation, (Dkt. # 39), or the Order adopting the Report
9 and Recommendation, (Dkt. # 44). The court will not consider this Amended Complaint (Dkt. #
10 53). Because there is no proper complaint before the court the motion for non stenographic
11 depositions is **DENIED**.

12 Plaintiff was given until October 8th, 2006 to comply with the courts order and file an
13 amended complaint that contained no new defendants or causes of action. Plaintiff has not complied.
14 Plaintiff will have until **December 1st, 2006** to comply with the court orders to amend. If a proper
15 complaint that complies with the previous court orders is not filed on or before that date the court
16 will recommend dismissal of this action and possibly sanctions. This action is **STAYED UNTIL**
17 **DECEMBER 1ST, 2006**.

18 The Clerk of Court is directed remove Freed Swenaon, Jim Carter, and Donna Waters from
19 this action. They were never properly named defendants given the courts prior orders. The clerks
20 office is also directed to send a copy of this Order to plaintiff and to counsel for defendant.

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22 DATED this 16th, day of November, 2006.

23
24 /S/ J. Kelley Arnold
25 J. Kelley Arnold
26 United States Magistrate Judge
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